

Notice of Allowability	Application No.	Applicant(s)	
	09/757,409	RINCHIUSO, JOSEPH	
	Examiner Hong Cho	Art Unit 2662	

-- The MAILING DATE of this communication appears on the cover sheet with the correspondence address--

All claims being allowable, PROSECUTION ON THE MERITS IS (OR REMAINS) CLOSED in this application. If not included herewith (or previously mailed), a Notice of Allowance (PTOL-85) or other appropriate communication will be mailed in due course. **THIS NOTICE OF ALLOWABILITY IS NOT A GRANT OF PATENT RIGHTS.** This application is subject to withdrawal from issue at the initiative of the Office or upon petition by the applicant. See 37 CFR 1.313 and MPEP 1308.

1. This communication is responsive to the amenment filed on 11-11-2004.
2. The allowed claim(s) is/are 1-6,8-10,12-18,20-22 and 24 (renumbered 1-20).
3. The drawings filed on 09 January 2001 are accepted by the Examiner.
4. Acknowledgment is made of a claim for foreign priority under 35 U.S.C. § 119(a)-(d) or (f).
 - a) All
 - b) Some*
 - c) None
 of the:
 1. Certified copies of the priority documents have been received.
 2. Certified copies of the priority documents have been received in Application No. _____.
 3. Copies of the certified copies of the priority documents have been received in this national stage application from the International Bureau (PCT Rule 17.2(a)).

* Certified copies not received: _____.

Applicant has THREE MONTHS FROM THE "MAILING DATE" of this communication to file a reply complying with the requirements noted below. Failure to timely comply will result in ABANDONMENT of this application.
THIS THREE-MONTH PERIOD IS NOT EXTENDABLE.

5. A SUBSTITUTE OATH OR DECLARATION must be submitted. Note the attached EXAMINER'S AMENDMENT or NOTICE OF INFORMAL PATENT APPLICATION (PTO-152) which gives reason(s) why the oath or declaration is deficient.
6. CORRECTED DRAWINGS (as "replacement sheets") must be submitted.
 - (a) including changes required by the Notice of Draftsperson's Patent Drawing Review (PTO-948) attached
 - 1) hereto or 2) to Paper No./Mail Date _____.
 - (b) including changes required by the attached Examiner's Amendment / Comment or in the Office action of Paper No./Mail Date _____.
- Identifying indicia such as the application number (see 37 CFR 1.84(c)) should be written on the drawings in the front (not the back) of each sheet. Replacement sheet(s) should be labeled as such in the header according to 37 CFR 1.121(d).
7. DEPOSIT OF and/or INFORMATION about the deposit of BIOLOGICAL MATERIAL must be submitted. Note the attached Examiner's comment regarding REQUIREMENT FOR THE DEPOSIT OF BIOLOGICAL MATERIAL.

Attachment(s)

1. Notice of References Cited (PTO-892)
2. Notice of Draftperson's Patent Drawing Review (PTO-948)
3. Information Disclosure Statements (PTO-1449 or PTO/SB/08),
Paper No./Mail Date _____
4. Examiner's Comment Regarding Requirement for Deposit
of Biological Material
5. Notice of Informal Patent Application (PTO-152)
6. Interview Summary (PTO-413),
Paper No./Mail Date _____
7. Examiner's Amendment/Comment
8. Examiner's Statement of Reasons for Allowance
9. Other _____.

JOHN PEZZLO
PRIMARY EXAMINER

Allowable Subject Matter

1. Claims 1-6, 8-10, 12-18, 20-22 and 24 are allowed.

The following is an examiner's statement for reasons for allowance.

2. Claims 1 and 13 are allowable over the prior art of record since the cited references taken individually or in combination fail to particularly teach or fairly suggest a method for allocating at least one shared radio resource within a communication system including at least one base station adapted to manage data service access requests wherein a priority value assigned to each of the existing data service access requests is adjusted by adjusting a frame count value for an existing data service access request according to the equation $FC_{adj}=FC-B$, where FC_{adj} is an adjusted frame count value for the existing data service access request, FC is a frame count value for the existing data service access request, and B is an average of the frame count values for each of the existing data service access requests. It is noted that the closest prior art of record, Rimhagen shows a method of allocating at least one shared radio resource within a communication system including at least one base station adapted to manage data service access requests. However, Rimhagen fails to suggest adjusting a priority value assigned to each of the existing data service access requests by adjusting a frame count value for an existing data service access request according to the equation $FC_{adj}=FC-B$, where FC_{adj} is an adjusted frame count value for the existing data service access request, FC is a frame count value for the existing data service access request, and B is an average of the frame count values for each of the existing data service access requests.

Conclusion

3. The prior art made of record and not relied upon is considered pertinent to applicant's disclosure.

- US Patent (5898681) to Dutta
- US Patent (6058106) to Cudak et al
- US Patent (5301356) to Bodin et al

4. Any inquiry concerning this communication or earlier communications from the examiner should be directed to Hong Cho whose telephone number is 571-272-3087. The examiner can normally be reached on Mon-Fri during 7 am to 4 pm.

If attempts to reach the examiner by telephone are unsuccessful, the examiner's supervisor, Hassan Kizou can be reached on 571-272-3088. The fax phone number for the organization where this application or proceeding is assigned is 571-273-3088.

Information regarding the status of an application may be obtained from the Patent Application Information Retrieval (PAIR) system. Status information for published applications may be obtained from either Private PAIR or Public PAIR. Status information for unpublished applications is available through Private PAIR only. For more information about the PAIR system, see <http://pair-direct.uspto.gov>. Should you have questions on access to the Private PAIR system, contact the Electronic Business Center (EBC) at 866-217-9197 (toll-free).

hc
Hong Cho
Patent Examiner
3-9-2005


JOHN PEZZLO
PRIMARY EXAMINER